

REMARKS

Claims 9, 10, 12–17, 19–24 and 26–29 are pending in this application. By this Amendment, claims 9, 16 and 23 are amended; and claims 11, 18 and 25 are canceled without prejudice to or disclaimer of the subject matter contained therein. No new matter is added. Reconsideration and withdrawal of the rejection are respectfully requested.

OBJECTION TO THE DRAWINGS

The Examiner has objected to the drawings under 37 CFR § 1.83 (a). In particular, the Examiner asserts that the features of “the load floor which extends from the front of the vehicle to the rear of the vehicle” must be shown or canceled from the claims.

Applicant has carefully reviewed all claims, and cannot determine which claims provide the features of the “the load floor extending from the front of the vehicle to the rear of the vehicle”. In fact, the only recitation in the claims describes that the “load floor runs from the front of said vehicle to the rear of said vehicle”. Applicant respectfully submits that the term “runs” does not correspond with the Examiner’s interpretation of “extends”. However, if the Examiner continues to maintain his rejection, Applicant respectfully requests the Examiner to clarify his position in the next Office Action.

Reconsideration and withdrawal of the objection are respectfully requested.

OBJECTION TO THE CLAIMS

Claims 9 and 16 are objected to due to informalities. By the Amendment, claims 9 and 16 have been amended to obviate the objection. Withdrawal of the objection is respectfully requested.

CLAIM REJECTIONS – 35 U.S.C. §103

I. Hilden/Vin

Claims 9-12, 16-19 and 23-26 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Hilden, U.S. Patent 5,012,885 in view of Vin, U.S. Patent 4,039,037. This rejection is respectfully traversed.

Foremost, the rejections of claims 11, 18 and 25 have been rendered moot as these claims have been canceled, and the subject matter incorporated into independent claims 9, 16 and 23, respectively.

Applicant submits that Hilden and Vin, individually or in combination, fail to disclose or suggest a vehicle, comprising, *inter alia*, “the differential unit is a half-shaft differential unit immovable supported by a frame and having opposed swing axles extending from said differential unit to said wheels, the said profile suspension enabling said swing axles to move vertically independent of said differential unit”, as recited in claims 9 and 16, and similarly recited in claim 23.

Hilden discloses a rear wheel suspension and steering system having a rectilinear shape dead axle 20 wherein a differential mechanism 18 is mounted directly to a vehicle body structure and delivers driving power to a vehicle wheels supported by the dead axle 20. Further, the differential 18 includes output shafts 66 and 68 which are suitably connected to a conventional spline arrangement to axles 70 and 72 (FIGS. 1 and 2). By contrast, the differential unit in Applicant's invention is a half-shaft type having axles connected to in a manner that allows the outer ends of the axle to move up and down without the differential moving up and down. Hilden's differential 18 is fixed to and moves with the vehicle body structure (column 3, line 4-5). Accordingly, Hilden fails to teach or suggest that the differential is a half-shaft unit.

Further, Hilden fails to disclose or suggest “said low profile suspension enabling said swing axles to move vertically independent of said differential unit”. Instead, Hilden discloses axles 70 and 72 rigidly affixed to the differential 18 and rigidly affixed to driving

shaft 76. In other words, axles 70 and 72 are affixed to the differential 18 which in turn is affixed to the vehicle body structure (12, 14, 22, 26, 28 and 30), whereby axles 70 and 72 move along with the differential unit 18. Accordingly, Hilden fails to teach or suggest the swing axles to move vertically independent of the differential unit.

With regard to Vin, Applicant submits that there is no motivation to combine the teachings of Vin with the teachings of Hilden without any expectation of success, at least because Vin teaches that the differential unit is connected to the gear box near the front end of the vehicle, rather than the differential unit being located at a rear axle of the vehicle. Thus, Applicant submits that the Examiner has failed to provide evidence of proper motivation for combining Hilden and Vin.

For at least these reasons, Applicant respectfully submits that Hilden and Vin, individually or in combination, fail to disclose or render obvious the features recited in independent claims 9, 16 and 23. Claims 10–12, 17–19, and 24–26, which depend from the independent claims are likewise distinguished over the applied art for at least the reasons discussed as well as for the additional features they recite. Reconsideration and withdrawal of the rejections are respectfully requested.

II. Hilden/Vin/Maurer

Claims 15, 22 and 29 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hilden in view of Vin and Maurer et al. (hereinafter “Maurer”), U.S. Patent 6,035,956. This rejection is respectfully traversed.

As discussed as above, Hilden and Vin neither discloses nor suggest the claimed invention as found in claims 9, 16 and 23, the independent claims from which the rejected claims depend. Further, Maurer fails to overcome the noted deficiencies of Hilden and Vin. Thus, it is respectfully requested that the rejection be withdrawn.

CONCLUSION


Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of each of claims 9-10, 12-17, 19-24, 26-29 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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